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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,054	12/08/2003	Doug Brems	UTL 00423	7556
32968 7590 04/01/2008 KYOCERA WIRELESS CORP. P.O. BOX 928289 SAN DIEGO, CA 92192-8289				
EXAMINER				
LEE, JOHN J				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
04/01/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/731,054

**Applicant(s)**

BREMS ET AL.

**Examiner**

JOHN J. LEE

**Art Unit**

2618

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,4,5,11,12,16,18,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4,5,11,12,16,18,20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 2, 4, 5, 11, 12, 16, 18, 20, and 21** are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al. (US 7,200,429).

Regarding **claim 2**, Park teaches that a wireless communication device (Fig. 1). Park teaches that a first housing portion (Fig. 1) having a first exterior surface (Fig. 1) (column 3, lines 9 – 36 and Fig. 1). Park teaches that a second housing portion (Fig 1) having a second exterior surface (Fig. 2), the second housing portion (Fig 1) capable of being arranged in a first closed position (Fig. 1) relative to the first housing portion (Fig. 1) and in a second open position (Fig. 2) relative to the first housing portion (Fig. 1) (column 3, lines 9 – 54 and Fig. 1, 2). Park teaches that a transceiver situated within one of the first and second housing portions (Fig. 1 and column 2, lines 4 - 39), the transceiver coupled to an antenna for transmitting and receiving radio frequency signals (Fig. 1 and column 1, lines 23 - 38). Park teaches that at least one external key (165 or 113a in Fig. 1) situated on one of the first and second exterior surfaces (Fig. 1 and column 3, lines 9 – 36 and Fig. 1), the at least one external key capable of being activated

by a user when the second housing portion is arranged in the closed position for defining a call recipient and for initiating a call to the call recipient (column 3, lines 9 – 54 and 74 and Fig. 1, 2) and further capable of being activated for selecting a directory (directory function for call recipients and selecting one of recipient) of call recipients and for selecting one of the call recipients (column 3, lines 9 – 54 and 74 and Fig. 1, 2). Park teaches that first housing portion (Fig. 1) defines a first plane (Fig. 1) and further includes an interior surface (Fig. 1), wherein the second housing portion (Fig. 1) defines a second plane parallel with the first plane (Fig. 1) and covers the interior surface of the first housing portion (Fig. 1) when the second housing portion is arranged in the closed position (Fig. 1) and rotates about an axis perpendicular to the first plane (Fig. 2) and the second plane while maintaining a parallel relationship with the first housing portion uncovering the interior surface of the first housing portion when the second housing portion is arranged in the open position (Fig. 1, 2 and column 3, lines 16 – column 4, lines 15).

Regarding **claim 4**, Park teaches all the limitation as discussed in claim 2. Furthermore, Park teaches that the second exterior surface (Fig. 2) of the second housing portion (Fig. 2) includes a speaker (Fig. 2) capable of generating acoustic signals when the second housing portion is arranged in the closed position (standard for mobile telephone, Fig. 1), the speaker located adjacent to the microphone (in closed the position, the microphone will be located adjacent to the speaker see Fig. 2) when the second housing portion is arranged in the closed position (Fig. 2) and located at an opposite end

of the wireless communication device when the second housing portion is arranged in the open position (Fig. 1, 2 and column 3, lines 16 – column 4, lines 15).

Regarding **claim 5**, Park teaches all the limitation as discussed in claims 2. Furthermore, Park teaches that the at least one external key is further capable of being activated for selecting a first directory of all call recipients and a second directory of call recipients capable of receiving single-duplex calls (Fig. 1, 2 and column 3, lines 16 – column 4, lines 15, and Park teaches the claimed invention except for “single-duplex call”. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Park system since the examiner takes official notice of the equivalence of the limitation and the limitation for their use in the telecommunication art and selection of any these known equivalents to the limitation would be within the level of ordinary skill in the art).

Regarding **claim 11**, Park teaches all the limitation as discussed in claim 2. Furthermore, Park teaches that a first dimension (dimension of closed state) of the wireless communication device (Fig. 1) is smaller than a corresponding dimension (dimension of open state) of the wireless communication device (Fig. 2) when the second housing (Fig. 2) portion is arranged in the second position (Fig. 1, 2 and column 3, lines 16 – column 4, lines 15).

Regarding **claim 12**, Park teaches all the limitation as discussed in claims 2 and 5.

Regarding **claim 16**, Park teaches all the limitation as discussed in claims 2 and 4.

Regarding **claim 18**, Park teaches all the limitation as discussed in claims 2 and 11.

Regarding **claim 20**, Park teaches all the limitation as discussed in claims 2 and 4.

Regarding **claim 21**, Park teaches all the limitation as discussed in claims 2 and 5.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee (US 7,047,053) discloses Mobile Terminal.

Kang et al. (US 7,146,197) discloses Portable Communication Device with Two Housing Connected by Cylindrical Dinger.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Or P.O. Box 1450  
Alexandria VA 22313

or faxed (571) 273-8300, (for formal communications intended for entry)

Or: (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters, Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Maung**, can be reached on **(571) 272-7882**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L  
March 26, 2008

John J Lee

/JOHN J LEE/  
Art Unit 2618